



# Explanatory Note to Decision 2019/019/R

## Update of the acceptable means of compliance and guidance material to the Air OPS Regulation

— OPINION No 04/2017 — RMT.0516 (NPA/CRD 2015-18) & RMT.0352 (NPA/CRD 2015-05)

— OPINION No 01/2017 — RMT.0393 (NPA/CRD 2012-08)

— RMT.0561 (NPA 2017-09)

### EXECUTIVE SUMMARY

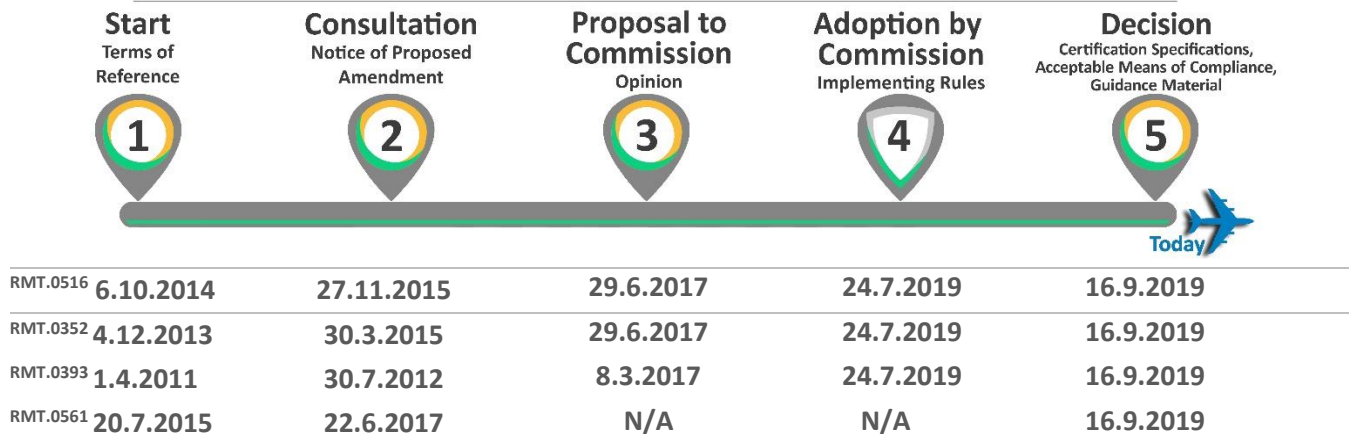
On 4 September 2019, Commission Regulation (EU) 2019/1384 was published. Said Regulation amends Commission Regulation (EU) No 965/2012 (the Air OPS Regulation) by introducing new requirements into all Annexes to the Regulation. The Regulation and consequently this Decision, which contains the related acceptable means of compliance (AMC) and guidance material (GM), combine the outcome of the following four rulemaking tasks:

- RMT.0516 on an update of the Air OPS Regulation, including an editorial update of AMC & GM and new provisions on establishment of rules on non-commercial operations with reduced cabin crew on board;
- RMT.0352 on new provisions on the use of aircraft registered on an air operator certificate (AOC) by operators that are not AOC holders for non-commercial operations or specialised operations, without removing the aircraft from the AOC;
- RMT.0393 on maintenance check flights; and
- RMT.0561 on in-flight entertainment systems.

In addition to the RMTs mentioned above, this Decision is based on safety recommendations (SRs) regarding air operations; safety actions deriving from the European Plan for Aviation Safety (EPAS), and amended International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs). The main objective is to improve the level of safety. The amendments are expected to increase safety and ensure alignment with ICAO standards.

<b>Action areas:</b>	Oversight and standardisation, airlines (AOC holders in CAT), design, production and maintenance improvements, manufacturers (design and production)		
<b>Affected rules:</b>	AMC & GM to the Air OPS Regulation)		
<b>Affected stakeholders:</b>	all operators and CAs, CAMOs, and AMOs (Part-145 and Part-M Subpart-F), POA holders of aircraft and equipment		
<b>Drivers:</b>	Safety, efficiency/proportionality, level playing field	<b>Rulemaking group:</b>	Yes RMT.0393 and RMT.0561 No RMT.0516 and RMT.0352
<b>Impact assessment:</b>	None RMT.0516 Light RMT.0352, RMT.0393 and RMT.0561	<b>Rulemaking Procedure:</b>	Standard

### EASA rulemaking process



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## 1. About this Decision

The European Union Aviation Safety Agency (EASA) developed ED Decision 2019/019/R in line with Regulation (EU) 2018/1139<sup>1</sup> and the Rulemaking Procedure<sup>2</sup>. This Decision combines the outcome of the following four rulemaking tasks:

- RMT.0393 on maintenance check flights;
- RMT.0352 on new provisions on mixed operations and change of use of an aircraft from CAT operations to non-commercial operations or specialised operations to enable the use of the same aircraft by operators of non-commercial operations or of specialised operations without removing such aircraft from the air operator certificate (AOC);
- RMT.0516 on an update of the Air OPS Regulation, including an editorial update of AMC & GM and new provisions on establishment of rules on non-commercial operations with reduced cabin crew on board; and
- RMT.0561 on in-flight entertainment systems.

### 1.1.1. RMT.0393 — maintenance check flights

This rulemaking activity is included in the latest EPAS<sup>3</sup> under rulemaking task (RMT).0393. The scope and timescales of the task were defined in the related Terms of Reference (ToR)<sup>4</sup>.

The *draft* text of this Decision stemming from RMT.0393 has been developed by EASA based on the input of Rulemaking Group (RMG) RMT.0393 & RMT.0394 (MDM.097(a)&(b)). All interested parties were consulted through Notice of Proposed Amendment (NPA) 2012-08<sup>5</sup>. 362 comments were received from interested parties including industry, national aviation authorities (NAAs) and social partners.

EASA reviewed the comments received during the consultation with the support of the review group (RG) of RMT.0393 & RMT.0394 (MDM.097(a)&(b)). The comments received and the EASA responses to them were presented in Comment-Response Document (CRD) 2012-08<sup>6</sup>. Based on the comments received, EASA published Opinion No 01/2017 on 8 March 2017, which was addressed to the European Commission. The related Regulations (EU) 2019/897 (amending Regulation (EU) No 748/2012) and

<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1536149403076&uri=CELEX:32018R1139>).

<sup>2</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>3</sup> [https://www.easa.europa.eu/document-library/general-publications?publication\\_type%5B%5D=2467](https://www.easa.europa.eu/document-library/general-publications?publication_type%5B%5D=2467)

<sup>4</sup> [https://www.easa.europa.eu/system/files/dfu/EASA-ToR-MDM.097%28a%29\\_MDM.097%28b%29-00-04042011.pdf](https://www.easa.europa.eu/system/files/dfu/EASA-ToR-MDM.097%28a%29_MDM.097%28b%29-00-04042011.pdf)

<sup>5</sup> In accordance with Article 115 of Regulation (EU) 2018/1139 and Articles 6(3) and 7 of the Rulemaking Procedure.

<sup>6</sup> <https://www.easa.europa.eu/document-library/comment-response-documents/crd-2012-08>



2019/1384<sup>7</sup> (amending the Air OPS Regulation<sup>8</sup>) were adopted on 12 March 2019 and on 24 July 2019 respectively.

The *final* text of this Decision stemming from RMT.0393, with the AMC & GM, has been developed by EASA based on the input of RG RMT.0393 & RMT.0394 (MDM.097(a)&(b)). The outcome of RMT.0393 will be also reflected in other EASA Decisions, affecting the AMC & GM to Regulation (EU) No 1321/2014, to be adopted by EASA in the future.

The major milestones of this rulemaking activity are presented on the title page.

### 1.1.2. RMT.0352 — non-commercial operations of aircraft listed in the operations specifications by an AOC holder and mixed operations

This rulemaking activity is included in the latest EPAS under RMT.0352. The scope and timescales of the task were defined in the related ToR<sup>9</sup>.

The *draft* text of this Decision stemming from RMT.0352 was developed by EASA based on the input of RMG RMT.0352 (OPS.075(a)) and RMT.0353 (OPS.075(b)). All interested parties were consulted through NPA 2015-05. The NPA received 92 comments from 21 commentators, of which 10 competent authorities, 4 air operators, 4 air operator associations, 1 aircraft manufacturer, 1 aircraft delivery company, and Eurocontrol.

EASA reviewed the comments received during the consultation with the support of Review Group (RG) RMT.0352 (OPS.075(a)) and RMT.0353 (OPS.075(b)). The comments received and the EASA responses to them were presented in CRD 2015-05<sup>10</sup>. Based on the comments received, EASA published Opinion No 04/2017 on 29 June 2017, which was addressed to the European Commission. The related Regulation 2019/1384 was adopted on 24 July 2019.

Since some rules (ORO.GEN.310, NCC.GEN.101 and NCO.GEN.104) were developed after the closing of the public consultation period, particularly to address several comments on NPA 2015-05, the input of RG RMT.0352 was used and the draft text was subject to focused consultation with the Member States. The comments received on ORO.GEN.310, NCC.GEN.101 and NCO.GEN.104 and the associated AMC and GM were not included in the CRD, as there was yet no associated reference in the NPA; however, responses to said comments were provided to commentators.

The *final* text of this Decision stemming from RMT.0352, with the AMC & GM, was developed by EASA based on the input of RG RMT.0352 and the Member States.

The major milestones of this rulemaking activity are presented on the title page.

<sup>7</sup> Commission Implementing Regulation (EU) 2019/1384 of 24 July 2019 amending Regulations (EU) No 965/2012 and (EU) No 1321/2014 as regards the use of aircraft listed on an air operator certificate for non-commercial operations and specialised operations, the establishment of operational requirements for the conduct of maintenance check flights, the establishment of rules on non-commercial operations with reduced cabin crew on board and introducing editorial updates concerning air operations requirements (OJ L 228, 4.9.2019, p. 106) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1567585758405&uri=CELEX:32019R1384>).

<sup>8</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1562688486368&uri=CELEX:32012R0965>).

<sup>9</sup> <https://www.easa.europa.eu/sites/default/files/dfu/ToR%20RMT%200352-0353.pdf>

<sup>10</sup> <https://www.easa.europa.eu/document-library/comment-response-documents/crd-2015-05>



### 1.1.3. RMT.0516 — update of the Air OPS Regulation

This rulemaking activity is included in the latest EPAS under RMT.0516. The scope and timescales of the task were defined in the related ToR<sup>11</sup>.

The *draft* text of this Decision stemming from RMT.0516 has been developed by EASA. All interested parties were consulted through NPA 2015-18, which was divided into the following three sub-NPAs (A), (B) and (C):

- sub-NPA (A) ‘Draft Implementing Rule’;
- sub-NPA (B) ‘Draft AMC/GM’; and
- sub-NPA (C) ‘Draft Implementing Rule and Draft AMC/GM on passenger seating and briefing’.

Regarding sub-NPA 2015-18 (B), 275 comments were submitted by 36 commentators, including EU NAAs, aircraft manufacturers, air operators and several associations.

EASA reviewed the comments received during the consultation. The comments received and the EASA responses to them were presented in CRDs 2015-18 (A), (B) and (C)<sup>12</sup>. Based on the comments received, EASA published Opinion No 04/2017 on 29 June 2017 which was addressed to the European Commission. The related Regulation (EU) 2019/1384 was adopted on 24 July 2019.

The *final* text of this Decision stemming from RMT.0516, with the AMC & GM, has been developed by EASA.

The major milestones of this rulemaking activity are presented on the title page.

### 1.1.4. RMT.0561 — in-flight entertainment (IFE) systems

This rulemaking activity is included in the latest EPAS under RMT.0561. The scope and timescales of the task were defined in the related ToR<sup>13</sup>.

The *draft* text of this Decision stemming from RMT.0561 has been developed by EASA based on the input of RMG RMT.0561. All interested parties were consulted through NPA 2017-09.

EASA reviewed the comments received during the consultation with the support of RG RMT.0561. The comments received on the proposed AMC & GM and the EASA responses to them are going to be presented in CRD 2017-09, which is expected to be published together with a new amendment to AMC-20 in the course of the third quarter of 2019.

The *final* text of this Decision stemming from RMT.0561, with the AMC & GM, has been developed by EASA based on the inputs received during the public consultation.

The major milestones of this rulemaking activity are presented on the title page.

<sup>11</sup> <https://www.easa.europa.eu/sites/default/files/dfu/ToR%20to%20RMT.0516%20AND%20RMT.0517%20-%20Issue%202.pdf>

<sup>12</sup> [https://www.easa.europa.eu/document-library/comment-response-documents?search=2015-18&date\\_filter%5Bmin%5D%5Bdate%5D-&date\\_filter%5Bmax%5D%5Bdate%5D-](https://www.easa.europa.eu/document-library/comment-response-documents?search=2015-18&date_filter%5Bmin%5D%5Bdate%5D-&date_filter%5Bmax%5D%5Bdate%5D-)

<sup>13</sup> <https://www.easa.europa.eu/sites/default/files/dfu/ToR%20RMT.0561%20Issue%203.pdf>



## 2. In summary — why and what

### 2.1. Why we need to change the AMC & GM

#### 2.1.1. RMT.0516 — update of the rules on air operations

The Air OPS Regulation was adopted in 2012 and, following a transition period, has been applied in the Member States since 28 October 2014. Through feedback received from SRs, stakeholders, including the Member States, and standardisation inspections, it became evident that the rules should be updated to ensure that the Air OPS rules reflect the state of the art and the best practices in the subject field.

#### 2.1.2. RMT.0352 — non-commercial operations of aircraft listed in the operations specifications by an AOC holder and mixed operations

RMT.0352 is the response to two SRs addressed to EASA by the French Bureau d'Enquêtes et d'Analyses (BEA) with regard to an Airbus A320-232 accident on 27 November 2008. The accident occurred off the coast of Canet-Plage (France) during a flight to check the systems at the end of a lease agreement and is referred to as the 'Perpignan accident'<sup>14</sup>. EASA should detail the various types of non-commercial flights that an EU operator may perform and add guidelines on the minimum requirements for such flights when these are operated by an AOC holder according to operational procedures different from its CAT flights.

In addition, several comments from industry and Member States on NPA 2015-05, as well as direct communication with the EASA Advisory Bodies (NAAs and industry representatives) during the past years, indicated that a frequent business model, involving the use of an aircraft registered on an AOC by operators performing NCC, NCO or SPO operations or even by the AOC holder itself when performing SPO, is hindered by the administrative burden of having to remove the aircraft from the AOC every time they plan to have such operations. EASA decided to address this issue within the same rulemaking task (RMT.0352).

#### ***New GM to Article 2(1)(d) — commercial operation and non-commercial flights***

Non-commercial operations are not defined — except as by opposition to the definition of commercial operation. Today, confusions still occur between non-commercial operations *per se* and other operations performed non-commercially; for instance, non-commercial specialised operations. Moreover, in connection to this, the current AMC3 ORO.MLR.100 lists several non-revenue flights performed by an AOC holder (Chapter 8.7 of an OM-A), but the term 'non-revenue' is not defined and does not appear anywhere else in the Air OPS Regulation or in the associated AMC and GM. Far from requiring an exhaustive list of non-commercial flights, operators and NAAs needed guidance on proper identification of the non-commercial flights to which ORO.AOC.125 applies. It was also not clear whether the term used — 'non-revenue flights' — should be understood as being different from 'non-commercial flights' or as having the same meaning. To address this lack of clarity, a list of flights identified as non-commercial operations was developed in new GM. Since, however, the identified non-commercial flights are not necessarily specific to an AOC holder but to any NCC, NCO or SPO

<sup>14</sup> BEA Report on the accident on 27 November 2008 off the coast of Canet-Plage (66) to the Airbus A320-232 registered D-AXLA operated by XL Airways Germany. ISBN: 978-2-11-098614-6. SRs: FRAN-2009-003 and FRAN-2009-004. Report available at <https://www.bea.aero/docspa/2008/d-la081127.en/pdf/d-la081127.en.pdf>.



operator, this new GM has been developed such as to be used by all operators and published in relation to the definition of commercial operations in Annex I.

#### **AMC and GM associated with ORO.AOC.125**

ORO.AOC.125 refers to non-commercial operations performed by an AOC holder with aircraft listed in the operations specifications. The AOC holder has to specify if it uses different operational procedures for its non-commercial operations and which requirements apply to such operations (whether they are performed in accordance with Part-CAT or with Part-NCC or Part-NCO). Non-commercial operations are described in the AOC holder's operations manual, Ch. 8.7.

Concerning the operational framework and the applicable requirements for such flights, different practices were used in the EASA Member States: several Member States required full compliance with Part-CAT for all flights; others declared that such flights were to be carried out in accordance with the applicable non-commercial rules; and some applied a mixed system, depending on the flight.

The level of risk involved in various non-commercial operations should be determined with clarity, and this requires proper identification of various non-commercial flights.

Non-commercial operations involving different levels of risk require different preparation. For example, a demonstration flight, a positioning flight, and a private flight have different risk profiles. Likewise, certain non-commercial operations have a lower level of operational risk (private flights, leisure flights). Thus, it is not necessary to impose the same demanding requirements on certain non-commercial flights as for CAT operations when the NCC and respectively the NCO rules already ensure the appropriate level of safety. Therefore, an operator should perform a risk assessment of its non-commercial operations and develop appropriate mitigation measures for each type of flight or for flights with a similar operational risk profile.

#### **Introducing new rules for the use of aircraft listed on an AOC for any operation other than CAT (ORO.GEN.310, NCC.GEN.101 and NCO.GEN.104)**

To respond to the current needs of the industry, an extension towards allowing any operations other than CAT with aircraft included in an AOC by other operators has been added to the proposal published in NPA 2015-05. This way, EASA addresses the comments submitted to the NPA as well as the significant number of requests received from stakeholders.

One question often received by EASA was related to the rules that should apply when the aircraft included in an AOC is used by another operator for operations which are not CAT. This occasional use of the aircraft listed on an AOC is not clearly addressed in the current rules. Since this is a usual way of operating an aircraft in communities of smaller operators, the lack of a regulatory framework was felt more acutely than in the world of legacy carriers. There is currently no legal framework at EU level for such operation or for the assurance of continuing airworthiness of the aircraft when used by other operators. Furthermore, there is no clear indication in the Air OPS Regulation that a shift of operational control from the AOC holder to another operator, for operations other than CAT with aircraft included in the AOC, may even be allowed.

In a mixed operation, more than one operator uses the same aircraft to perform various types of flights to which different operational rules apply. For example, an aircraft may be used in the morning by the AOC holder for a CAT flight, in the afternoon by an approved training organisation (ATO) for a training flight performed in accordance with Part-NCC, and in the next morning, by a SPO operator for





commercial aerial work performed as per Part-SPO or by the owner of the aircraft, which may be a different NCC operator. Sometimes, such combined use of the same aircraft takes place within a short period (a day, a week, etc.). Such an operation cannot be conducted on an ad hoc basis, since removing the aircraft from the AOC for every flight performed by a different operator requires advanced planning and an additional administrative layer — often costly for operators — involving the NAA and a change in the AOC.

The new implementing rule ORO.GEN.310 enables operators to use the aircraft included in an AOC for any operations except CAT, without the AOC holder having to remove the aircraft from its AOC.

New AMC and GM have been developed to support the implementation of the new ORO.GEN.310.

Counterpart GM in the continuing airworthiness domain, to enhance the requirement of ORO.GEN.310 and NCO.GEN.104, was also created. The new GM to M.A.201 and ML.A.201 clarify that the existing rules applicable to continuing airworthiness organisations are still applicable and that the new rule (ORO.GEN.310) is not a derogation from them. The applicable rules require the existence of a written contract between the operator and the continuing airworthiness management organisation (CAMO) or the continuing airworthiness organisation (CAO) of the AOC holder. The relevance of such a written contract is important in the NCO world all the more as an NCO operator is not required to have an operations manual or a documentation system, and the written contract should ensure that safety-relevant information is retained and smoothly transferred between the CAMO/CAO of the AOC holder and the NCO operator.

***Newly developed AMC1 ORO.CC.100(d)(2) on procedures for non-commercial operations with no operating cabin crew member on board a large aircraft with an MOPSC of more than 19 carrying maximum 19 passengers***

Current provisions state that ‘at least one cabin crew member shall be assigned for the operation of aircraft with a maximum operational passenger seating configuration (MOPSC) of more than 19 when carrying one or more passenger(s)’. This also applies to a non-commercial flight carrying e.g. the operator’s safety-critical professionals. RMG RMT.0352 proposed in NPA 2015-05 that an AOC holder may perform a non-commercial flight with no cabin crew member on aircraft with MOPSC of more than 19 and with maximum 19 passengers. The RMG took into account that this was not possible on all aircraft. There are certain aircraft for which the certification approval requires a minimum number of cabin crew on board and the new alleviation cannot overrule the certification requirements. The proposed alleviation was published in Opinion No 04/2017 and adopted in Regulation (EU) 2019/1384.

The associated AMC describes the procedures and thus establishes appropriate mitigation measures that the operator should apply considering that no cabin crew are on board for these specific flights.

This subject was extensively discussed with the EASA AIR OPS TeB Cabin Safety Expert Group. The group unanimously agreed that this type of operation differs from a similar operation conducted with e.g. a business jet under the provisions on non-commercial operations. Operation under this alleviation involves an aircraft with an installed flight crew compartment security door and aircraft systems operated by cabin crew members on a daily basis, including communication systems with flight crew. All the duties and responsibilities of cabin crew members who are absent on these flights become the duties and responsibilities of the operating flight crew members. Hence, flight crew members assigned to operate these flights need to receive training on a recurrent basis with emphasis on operations where no cabin crew is required, as specified in ORO.FC.220 and ORO.FC.230. To





mitigate the associated risks of this type of operation, the operator has to develop procedures that must be approved by the competent authority. The mitigation measures should also be properly adapted to the categories of passengers carried on board these flights (which could also be passengers requiring special assistance).

### 2.1.3. RMT.0393 — maintenance check flights

The scope of the rulemaking activity is outlined in ToR RMT.0393 & RMT.0394 (MDM.097(a) & (b)) Issue 1.

A number of air accidents/incidents have happened in relation to flights conducted with aircraft that had just undergone incomplete/inadequate maintenance or to flights conducted to verify adequate maintenance of aircraft.

Following the Perpignan accident, EASA reviewed the ‘air operations requirements’ and found that the issue of maintenance check flights (MCFs) was not sufficiently addressed by the EU regulations. Therefore, EASA launched this rulemaking activity in consultation with its Advisory Bodies.

### 2.1.4. RMT.0561 — in-flight entertainment (IFE) systems

This rulemaking activity — development of a new AMC 20-19 on passenger service and IFE systems — resulted in amendments in AMC and GM related to air operations. Aircraft IFE systems pose, due to their nature and technologies used, several challenges. These need to be addressed in order to minimise safety issues during certification and actual operation. If they suffer a malfunction, this could lead to electrical arcing posing a fire hazard. The newly developed AMC 20-19 provides guidance on the airworthiness of IFE systems and equipment installed in aircraft.

Communication, information and entertainment systems are today often provided for the convenience of aircraft occupants. As technology and customer services move forward, the systems are becoming more sophisticated and complex. Design features are often unique, based on the operator’s needs, which leads to a variety of IFE system configurations depending on specific operator requirements and cabin layout. IFE systems, whether mounted or portable, have become a firm part of an operator’s customer service and also a means used for conveying safety-related information. When available and used during air operation, the operator should ensure that flight crew and cabin crew members are fully familiar with the operation of the IFE system and passengers are provided with the appropriate information including restrictions of its use in normal, abnormal and emergency conditions.

The following AMC have been either amended or developed:

- AMC1 ORO.GEN.110(f)(h) — amended;
- AMC1 ORO.CC.125(d) — amended;
- AMC1 ORO.CC.135 — amended;
- AMC1 CAT.OP.MPA.170 — amended; and
- AMC3 CAT.OP.MPA.170 — new.

EASA has received comments proposing additional amendments to cabin crew training or requesting the new text on IFE to be linked to safety aspects only. The purpose of the Air OPS Regulation is to regulate safety, therefore all amendments on IFE are those related to safety, not to cabin services.



However, should this cause a concern or misinterpretations, the text has been amended accordingly. The CRD containing said comments and responses is scheduled to be published in Q2/2019.

### 2.1.5 Amendments related to child restraint devices (CRDs)

These amendments represent a regular update of the EU provisions, in this case prompted by the following reasons:

In 2019, ICAO concluded an extensive work on the approval and use of child restraint systems and facilitation of mutual recognition of these devices across the globe. EASA was actively involved in this project. During the course of the project, EASA identified a need to update the relevant EU provisions not only to align with the outcome of the ICAO work but to also correct and clarify those points that are still applicable today but may provide outdated information.

To enhance the safety of the youngest and most vulnerable aircraft occupants and to provide a level of protection equivalent to that provided to adult passengers, operators should enable parents travelling with infants and small children to use child seats on board. To help the travellers, operators should make information available, e.g. on their website, on aspects such as the width of the seats in each class of the operator's configurations, seat pitch, types of child seats permitted, how to proceed when intending to use and when using a child seat on board, etc. which would help the parents to determine whether their child seat is acceptable for use on the operator's aircraft. To join the effort of mutual acceptance of child seats worldwide, hence a smooth transition from airline to airline on the passengers' journey from their departing point until their final destination, the NAAs and operators are encouraged to expand their list of technical standards based on which devices can be accepted on board their aircraft.

The following AMC related to child restraint devices for aeroplanes and helicopters in CAT, NCC and NCO have been amended:

- AMC1 CAT.IDE.A.205;
- AMC1 CAT.IDE.H.205;
- AMC1 NCC.IDE.A.180;
- AMC1 NCC.IDE.H.180;
- AMC1 NCO.IDE.A.140; and
- AMC1 NCO.IDE.H.140.

New GM on the use of child seats on board and facilitation of mutual acceptance of child seats has been added as follows:

- GM2 CAT.IDE.A.205; and
- GM2 NCC.IDE.A.180.

## 2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of Regulation (EU) 2018/1139. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.



The overall objective of this Decision is to ensure that the AMC & GM associated with the Air OPS Regulation are state of the art and take into account SRs and ensure ICAO alignment.

The specific objectives of the Decision per RMT are presented below.

### **2.2.1. RMT.0516 — update of the rules on air operations**

The specific objective is to contribute to the achievement of the overall objectives by updating the AMC & GM to the Air OPS Regulation. In addition, this Decision is performing an editorial update of the air operations rules.

### **2.2.2. RMT.0352 — non-commercial operations of aircraft listed in the operations specifications by an AOC holder and use of aircraft listed on an AOC for operations performed in accordance with Part-NCC, Part-NCO and Part-SPO**

The specific objectives are to:

- (a) improve safety by:
  - (1) establishing safety-critical elements to be considered in the risk assessment and mitigation of the non-commercial operations of an AOC holder;
  - (2) enabling AOC holders to manage the safety of non-commercial flights in a way adapted to the safety risk profile; and
  - (3) providing guidelines and solutions to address the risk of operating without cabin crew non-commercial flights with aircraft having a MOPSC above 19 and carrying maximum 19 passengers on board;
- (b) clarify the current rules by identifying the categories of flights under non-commercial operations and have a clear understanding thereof; and
- (c) increase efficiency of operations by enabling the use of aircraft listed on an AOC by operators for NCC, NCO and SPO operations while maintaining safety of such operations by:
  - (1) allowing the use of aircraft by other operators for operations performed in accordance with Part-NCC, Part-NCO and Part-SPO without removing the aircraft from the AOC; and
  - (2) clarifying the conditions in which the aircraft listed on an operator's AOC may be used by other operators and maintain safety of such operations.

### **2.2.3. RMT.0393 — maintenance check flights**

The specific objective is to establish the minimum requirements to be met when conducting MCFs and, therefore, address the safety gap that was identified in the accidents/incident referred to in the ToR.

### **2.2.4. RMT.0561 — in-flight entertainment (IFE) systems**

The specific objective is to address the safety issues arising from the use of IFEs during air operations.



## 2.3. How we want to achieve it — overview of the amendments

### 2.3.1. RMT.0516 — update of the rules on air operations

The following SRs addressed to EASA are addressed in this Decision

<i>GERF-2006-009</i>	Said SRs relate to the definition of requirements for de-icing providers. Today, de-icing service providers are outside the scope of the Basic Regulation. Yet, EASA wishes to promote the use of pooled audits by operators as a response to the above SRs, since operators are responsible for the monitoring of de-icing service providers. For this reason, the JAA's Temporary Guidance Leaflets on pooled audits (JAA TGL 21) between operators should be reviewed and included into Part-ORO as appropriate.
<i>UNKG-2005-148</i>	

Outcome: New AMC2 ORO.GEN.205 on contracted activities entitled 'Third-party providers of industry standards and audit pooling'. This new AMC establishes conditions for the acceptance of audits from third-party audit providers, thus enabling the operator to pool audits of contracted organisations. The elements specifying the conditions under which a third-party provider can be used for those audits have been copied from the existing AMC related to pooling of audits of code-share agreements.

### 2.3.2. RMT.0352 — non-commercial operations of aircraft listed in the operations specifications by an AOC holder and use of aircraft listed on an AOC for operations performed in accordance with Part-NCC, Part-NCO and Part-SPO

The SRs addressed to EASA after the Perpignan accident were considered as input for the introduction of new AMC and GM related to the non-commercial operations by an AOC holder with aircraft listed on its AOC.

First Safety Recommendation from the BEA report <i>FRAN-2009-003</i>	'That EASA detail in the EU-OPS the various types of non-revenue flights that an operator from an EU state is authorized to perform.'
	Reference: BEA report on the accident on 27 November 2008 off the coast of Canet-Plage (66) to the Airbus A320-232 registered D-AXLA operated by XL Airways Germany <sup>15</sup> .

Outcome: New GM containing a non-exhaustive list of non-commercial operations was added to Article 2 of the Air OPS Regulation containing the definition of 'commercial operation'.

The term 'non-revenue' — which is currently used only once in the AMC and GM associated with the Air OPS Regulation (AMC3 ORO.MLR.100, Ch. 8.7 of the OM-A) — was removed, as this concept is synonym with 'non-commercial operation' from the operational point of view. The term 'non-

<sup>15</sup> <https://www.bea.aero/docspa/2008/d-la081127.en/pdf/d-la081127.en.pdf>



commercial operations’ is the official term used to describe the flights previously included under ‘non-revenue flights’.

Second Safety  
Recommendation  
from the BEA  
report

‘That EASA require that non-revenue flights be described precisely in the approved parts of the operations manual, this description specifically determining their preparation, programme and operational framework as well as the qualifications and training of crews.’

FRAN-2009-004

Reference: BEA report on the accident on 27 November 2008 off the coast of Canet-Plage (66) to the Airbus A320-232 registered D-AXLA operated by XL Airways Germany<sup>16</sup>.

Outcome: In the EU regulatory system, non-commercial operations in general (when performed by NCC operators) do not require prior approval by the competent authority. The NCC system is a declarative one, which means that NCC operators submit a declaration before starting their operation and do not have to wait for the competent authority’s prior approval.

In order to maintain balanced and proportionate requirements for the same type of operation performed by an AOC holder and by an NCC operator, the requirement that the competent authority approve the operational procedures applied to non-commercial flights was removed from ORO.AOC.125. However, the AOC holder does have to describe its non-commercial flights in its operations manual and the different procedures applied to these flights.

The new AMC and GM to ORO.AOC.125 now include safety-critical elements to be considered by the operator in its SMS (risk assessment and risk mitigation) as per the requirements of ORO.GEN.200, when performing non-commercial flights. The AMC containing minimum safety-critical elements and the elements to be included in the operator’s SMS for non-commercial flights with a higher level of risk, as well as the GM containing examples of different operational procedures applied to non-commercial operations are intended to minimise the risk of non-commercial operations. At the same time, a performance-based approach is applied to these AMC and GM, which allows operators to adapt the management of safety and their resources to the level of risk entailed by the various types of non-commercial flights.

<sup>16</sup> <https://www.bea.aero/docspa/2008/d-la081127.en/pdf/d-la081127.en.pdf>



### 2.3.3. RMT.0393 — maintenance check flights

The SRs addressed to EASA after the Perpignan accident, as well as SR 2010-073 and 2010-075 recorded in the AAIB Bulletin 09/2010, were considered as input for the amendment of the affected rules with respect to MCFs, as follows:

First Safety Recommendation from the BEA report

‘That EASA detail in the EU-OPS the various types of non-revenue flights that an operator from a EU state is authorised to perform.’

Reference: BEA report on the accident on 27 November 2008 off the coast of Canet-Plage (66) to the Airbus A320-232 registered D-AXLA operated by XL Airways Germany<sup>17</sup>.

Outcome: The proposed amendments to the Air OPS Regulation introduce MCFs as flight types that an operator may conduct under different applicable requirements compared to those applicable for ‘regular’ flights (refer to new Section 5 ‘Maintenance check flights (MCFs)’ of Subpart E of Annex VIII. Other non-revenue flights are being considered under RMT.0352.

Second Safety Recommendation from the BEA report

‘That EASA require that non-revenue flights be described precisely in the approved parts of the operations manual, this description specifically determining their preparation, programme and operational framework as well as the qualifications and training of crews.’

Reference: BEA report on the accident on 27 November 2008 off the coast of Canet-Plage (66) to the Airbus A320-232 registered D-AXLA operated by XL Airways Germany.

Outcome: The proposed amendments to the Air OPS Regulation will require operators conducting Level A MCFs (as defined in SPO.SPEC.MCF.100) with a dedicated manual and dedicated flight check programmes (refer to SPO.MCF.110 and 115) and adequate coordination with the organisation in charge of the continuing airworthiness of the aircraft and the maintenance organisation (GM M.A.301(8) and AMC 145.A.50(e)). Also, SPO.SPEC.MCF.115 will require operators conducting Level A MCFs to choose adequate crew, having the pilot-in-command minimum flying experience (flown hours) and having followed MCF training.

Third Safety Recommendation

‘It is recommended that the European Aviation Safety Agency require AOC operators to have, and comply with, a detailed procedure and a controlled test schedule and record of findings for briefing, conducting and debriefing

<sup>17</sup> <https://www.bea.aero/docspa/2008/d-la081127.en/pdf/d-la081127.en.pdf>



2010-073 of AAIB      check flights that assess or demonstrate the serviceability or airworthiness  
Bulletin 09/2010      of an aircraft.’

Reference: Serious incident EW/C2009/01/02 (AAIB Bulletin: 09/2010)<sup>18</sup>.

Outcome: The proposed amendments to the Air OPS Regulation will require operators conducting Level A MCFs (as defined in SPO.SPEC.MCF.100) with a dedicated manual and dedicated flight check programmes (refer to SPO.MCF.110 and 115) and adequate coordination with the organisation in charge of the continuing airworthiness of the aircraft and the maintenance organisation (GM M.A.301(8) and AMC 145.A.50(e)).

Fourth Safety            ‘It is recommended that the European Aviation Safety Agency provide  
Recommendation      guidance on minimum crew proficiency requirements and recommended  
2010-075 of AAIB      crew composition and training for those undertaking check flights that assess  
Bulletin 09/2010      or demonstrate the serviceability or airworthiness of an aircraft.’

Reference: Serious incident EW/C2009/01/02 (AAIB Bulletin: 09/2010).

Outcome: The proposed amendments to point SPO.SPEC.MCF.115 of the Air OPS Regulation will require operators conducting Level A MCFs to choose adequate crew, having the pilot-in-command minimum flying experience (flown hours) and having followed MCF training.

### 2.3.4. AMC & GM to the Air OPS Regulation

#### ***Amendments to the GM to Articles of the Air OPS Regulation***

The new **GM1 to Article 2(1d)** addresses the non-commercial operations. The list of flights identified by RG RMT.0352 as non-commercial operations of an AOC holder is valid to describe non-commercial operations performed by any operator, be it an AOC holder, an NCC or NCO operator or a SPO operator. The RG was aware of the variety of terms used to identify more or less similar types of non-commercial flights; they acknowledged that it would be difficult to standardise all those terms in a single step. Therefore, rather than establishing definitions for non-commercial flights in Annex I, this GM lists the most commonly used terms for similar types of flights, provides a description of those flights, and lists other terms used by industry for the same type of flight. This way, operators can associate a certain non-commercial flight with a generally accepted name by identifying the purpose of the flight more easily. Determining the level of safety risk associated with that type of operation and developing appropriate mitigations to address those risks would be more easily done. At the same time, the risk of various non-commercial operations can be addressed in a proportionate manner.

#### ***Amendments to the GM to Articles of the Air OPS Regulation***

The new **GM1 Article 3(5)(e)** clarifies that ‘inspections performed by personnel authorised by the competent authority to perform oversight or certification tasks’ means announced or unannounced

<sup>18</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384837/Bulletin\\_9-2010.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384837/Bulletin_9-2010.pdf)





inspections, including in-flight inspections, to oversee any operations in accordance with this Regulation.

#### **Amendments to the GM to Part-DEF**

**GM17 Annex I Definitions** provides guidance on how to distinguish between a complex and a simple personnel-carrying device system (PCDS).

**GM18 Annex I Definitions** provides more guidance on how operators could determine their principal place of business, particularly in the context of NCC operations and SPO operations. The problem of determining the correct principal place of business was highlighted once the new rules on NCC and SPO became applicable. Different business models involving air operators having their main office in a different place than the place where the aircraft owners were residing, and often operating aircraft registered in another State (in an EU Member State or in a third country) made this task even more challenging. More elements for an easier identification of the principal place of business are provided for the NCC operators and SPO operators having operating bases in several countries and the decision-making office or person(s) elsewhere. This GM has taken over the content of GM1 ORO.GEN.105, and as it is associated with Annex I Definitions, it becomes applicable to all situations where the concept of principal place of business is used in the Air OPS rules.

#### **Amendments to the AMC & GM to Part-ARO**

**AMC2 ARO.GEN.305(b)** has been amended to list the focus areas of the oversight for the first few months of a new operation.

**AMC1 ARO.GEN.330** has been amended to strengthen the role of the safety manager.

**GM3 ARO.OPS.110**, on wet lease-in agreements between operators registered in different EU Member States, has been developed to ensure that for long-term wet lease-in agreements, the competent authorities of the lessee and the lessor should consider a mutual exchange of all necessary information.

**GM1 ARO.OPS.200**, on SPECIFIC APPROVALS FOR TRAINING ORGANISATIONS, has been amended to include the correct reference to the re-arranged Appendix III on specific approvals

#### **Amendments to the AMC & GM to Part-ORO**

**GM1 ORO.GEN.105** has been deleted as its content has been taken over and further amended in the new GM17 Annex I 'Definitions | Guidance on determining the principal place of business'.

Point (a)(3) of **AMC1 ORO.GEN.110(f)(h)** contains an editorial correction. The term 'oven' has been replaced by 'galley' to read 'cabin, galley and toilet fires'. Ovens may not be installed on the operator's aircraft at all. It is therefore correct to refer to 'galley' to cover the electrical appliances installed in the galley(s) of the operator's configuration (a galley may have a large number of electrical appliances; for example, tea/coffee makers, water boilers, kettles, skillets, toasters, cappuccino machines, bun warmers, fridges, coolers, trash compactors, elevators, etc.).

**AMC1 ORO.GEN.110(f)(h)** has been additionally amended as a result of RMT.0561 on IFE systems (see 2.1.4 above). Point (a)(6) is added and the table under point (b) includes the following changes:

- (a) point (5) is amended;
- (b) a new point (11) is added; and



- (c) due to the addition, under the new point (11) the numbering sequence has been adjusted accordingly.

**AMC1 ORO.GEN.130** has been amended to ensure that the competent authority is also informed about the planned change of a safety manager, where they exist.

Point (e) of **GM1 ORO.GEN.130(b)** has been amended as an outcome of RMT.0352, to ensure consistency with the change in ORO.AOC.125, which proposes the removal of the requirement for prior approval of operational procedures for non-commercial operations of an AOC holder.

Amendment of **AMC1 ORO.GEN.200(a)(1)** to specify that if more than one person is designated for the safety management function, the accountable manager should identify the person who will play the role of the safety manager.

Amendment of **GM1 ORO.GEN.200(a)(1)** to list the competences of a safety manager following numerous questions from stakeholders on the responsibilities of the safety manager in complex organisations.

Amendment of **AMC1 ORO.GEN.200(a)(6)** to specify that if more than one person is designated for the compliance monitoring function, the accountable manager should identify the person who will play the role of the compliance monitoring manager.

Development of the new **AMC2 ORO.GEN.205** establishing conditions for the acceptance of audits from third-party audit providers, thus enabling the operator to pool audits of contracted organisations. The elements specifying the conditions under which a third-party provider can be used for those audits have been copied from the existing AMC related to pooling of audits of code-share agreements. This new AMC responds to SRs GEF-2006-009 and UNKG-2005-148 on pooled audits.

Development of the new **GM1 ORO.GEN.310** as an outcome of RMT.0352 and subsequent comments on NPA 2015-05. It provides all possible scenarios of what 'other operators' could mean in the context of ORO.GEN.310. The GM includes examples of cases when the aircraft listed on an AOC may be used for operations other than CAT by the same AOC holder when operating SPO or by other operators when performing operations in accordance with Part-NCC, Part-NCO or Part-SPO. The other operator could be also a commercial or a non-commercial training organisation conducting operations in accordance with Part-NCC or Part-NCO.

Development of the new **GM2 ORO.GEN.310** to clarify the status of specific approvals (SPA) and of the minimum equipment list (MEL) in relation to the use of an aircraft included in an AOC by other operators for operations that are not CAT. The GM clarifies that there is no need to duplicate the SPA where they are already approved under the AOC and the SPO operations performed in accordance with those SPA are conducted by the same operator under its declaration. The MEL approval is required to cover every operation performed and every aircraft used for operations within ORO.GEN.310.

Development of the new **GM1 ORO.GEN.310(a)(2)** to clarify the limits of applicability of the new implementing rule ORO.GEN.310 vis-à-vis the leasing requirements and the removal of an aircraft from the AOC. If the other operator uses the aircraft registered on an AOC for more than 30 days without returning it at least once to the AOC holder, then the AOC holder has to remove it from its AOC and the leasing requirements of ORO.AOC.110 start applying.



Development of the new **AMC1 ORO.GEN.310(b);(e)** to describe the content of the procedure that an AOC holder has to develop and include in its operations manual, to cover the shift of operational control in the context of mixed operations of ORO.GEN.310.

Development of the new **GM1 ORO.GEN.310(d)** to clarify that the other operator and the CAMO or the combined airworthiness organisation (CAO) of the AOC holder should have a written contract in accordance with the continuing airworthiness requirements. The importance of this contract lies in the fact that it contains the written procedure whereby safety-relevant information related to aircraft maintenance is smoothly transferred between the different operators using the same CAMO or CAO of the AOC holder and the same aircraft for different types of operations.

Development of the new **AMC1 ORO.GEN.310(b);(d);(f)** to describe the responsibilities of the other operators using the aircraft listed on an AOC for operations performed in accordance with Part-NCC, Part-NCO or Part-SPO.

Amendment of **AMC1 ORO.AOC.110** to cater for the scenario that some information regarding the leasing partner might not yet be available to the operator at the time of requesting the approval.

Amendment of **AMC1 ORO.AOC.110(c)** to clarify that this AMC only applies for wet lease-in with a third-country operator and insertion of a new point (f) on retroactive airworthiness requirements contained in Part-26.

Amendment of **AMC1 ORO.AOC.110(c)** to clarify that this AMC only applies for wet lease-in with a third-country operator and insertion of a new point ((f)) on retroactive airworthiness requirements contained in Part-26.

Amendment of **AMC2 ORO.AOC.115(b)** since the conditions applying to the acceptance of audits of third-party providers have now been moved to the new AMC2 ORO.GEN.205 on contracted activities. This new AMC to ORO.GEN.205 will apply not only to code-share agreements, but also to other contracted activities and will enable operators to pool audits of third parties in response to SR GERF-2006-009 and UNKG-2005-148.

Development of the new **AMC1 ORO.AOC.125(a)** as an outcome of RMT.0352. It refers to the flight and duty time limitations and rest requirements for operations that combine CAT with NCC/NCO operations. It emphasises that the FTL requirements must be applied also to such combined operations and that FTL elements have to be included in the safety risk management process of the operator.

Development of the new **AMC2 ORO.AOC.125(a)** to list the options of requirements that the AOC holder may apply to its non-commercial operations covered by ORO.AOC.125 — either the CAT requirements or the NCC or NCO requirements.

Development of the new **AMC1 ORO.AOC.125(a)(2)** to establish a list of elements that an AOC holder should consider for the safety risk management of its non-commercial operations when it applies procedures that are different from those applied for a CAT operation.

Development of the new **AMC2 ORO.AOC.125(a)(2)** to establish several elements to be considered when planning a non-commercial operation with an increased level of risk.

Development of the new **GM1 ORO.AOC.125(a)(2)** to provide examples of elements included in the operational procedures, which may be different from the operational procedures used for a CAT operation, which an AOC holder could apply to its non-commercial operations.



Amendment of **GM2 ORO.AOC.135(a)** to align the GM with the Continuing Airworthiness Regulation<sup>19</sup> and to refer to qualification provisions instead of licensing provisions. This amendment mirrors the proposed change to ORO.AOC.135.

Amendment of **AMC3 ORO.MLR.100** as an outcome of RMT.0352, to ensure consistency with the requirements on non-commercial operations of an AOC holder specified in ORO.AOC.125. The term ‘non-revenue flights’ was replaced with ‘non-commercial operations’ since, from an operational perspective, the two terms were synonyms. Moreover, the term ‘non-revenue flight’ is not defined anywhere and this was the only occurrence in the Air OPS rules; besides, non-commercial operation can be defined by opposing it to the definition of ‘commercial operation’, which is included in Article 2 of the Air OPS Regulation.

Amendment of **AMC1 ORO.MLR.105(d)(3)** as an outcome of RMT.0352, to ensure consistency with the new ORO.GEN.310.

Amendment of **GM1 ORO.MLR.105(d)(3)** as an outcome of RMT.0352, to ensure consistency with the new ORO.GEN.310.

Amendment of **GM1 ORO.CC.100** to delete the reference to type certification.

Development of the new **AMC1 ORO.CC.100(d)(2)** and **GM1 ORO.CC.100(d)(2)** as an outcome of RMT.0352. They relate to the new alleviation under ORO.CC.100 ‘Number and composition of cabin crew’ permitting large aircraft with an MOPSC of more than 19 to be operated with no cabin crew members if the flight is conducted as a non-commercial flight and there are maximum 19 passengers on board.

Amendment of **AMC1 ORO.CC.125(d)** as a result of RMT.0561 on IFE systems. The new point (a)(11) is added.

Amendment of **AMC1 ORO.CC.135** as a result of RMT.0561 on IFE systems described in 2.1.4 above. A new point (c)(1)(xiv) is added.

Development of the new **GM1 ORO.CC.205(a)** to explain the term ‘present and ready to act’. This term has been introduced to enable a reduction of the minimum number of cabin crew during the cruise phase when in-flight rest is necessary.

Development of the new **AMC1 ORO.CC.205(d)** and **AMC2 ORO.CC.205(d)**, taking into account the changes made to ORO.CC.205, on how to perform a risk assessment and specific procedures for cruise phase operation with a lower number of cabin crew members

#### **Amendments to the AMC & GM to Part-CAT**

Development of the new **AMC1 CAT.OP.MPA.107** and **GM1 CAT.OP.MPA.107** on adequate aerodrome for rescue and firefighting services to align with ICAO Annex 6 and to refer to available guidance on the assessment of the level of an aerodrome’s rescue and firefighting services.

Amendment of **GM2 CAT.OP.MPA.155(b)**, related to information provided to special categories of passengers (SCPs), in the part on ‘Adult travelling with an infant’ to refer to EASA SIB 2013-06.

<sup>19</sup> Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1563354937329&uri=CELEX:32014R1321>).

Amendment of **AMC1 CAT.OP.MPA.170**, related to passenger briefing. Point (a)(1)(iv) has been amended as a result of RMT.0561 on IFE systems described in 2.1.4 above.

Development of the new **AMC3 CAT.OP.MPA.170**, related to passenger briefing, as a result of RMT.0561 on IFE systems described in 2.1.4 above.

Amendment of **GM1 CAT.OP.MPA.295** to include the updated ICAO references to ACAS.

Amendment of **AMC1 CAT.IDE.A.125(a)(1)(iii) & CAT.IDE.A.130(b)** to replace the term ‘pressure altitude’ with the term ‘barometric altitude’.

Amendment of **AMC1 CAT.IDE.A.205**, related to child restraint devices, to clarify text that may be misleading and to include updated information.

Development of the new **GM2 CAT.IDE.A.205**, related to child restraint devices. The GM recommends that operators facilitate mutual acceptance of child seats and provide information to passengers that helps them to determine whether their child seat is acceptable for use on the operator’s aircraft.

Amendment of **AMC1 CAT.IDE.H.205**, related to child restraint devices, to clarify text that may be misleading and to include updated information.

#### **Amendments to the AMC & GM to Part-SPA**

In connection to several implementing rules concerning the operator’s principal place of business or, where the operator does not have a principal place of business, the place where the operator resides, new GM was added to Part-SPA, Part-NCC, Part-NCO and Part-SPO. The new GMs to SPA.GEN.100(a), NCC.GEN.100, NCO.GEN.100(b) and SPO.GEN.100 provide some elements that are helpful for the operator that is also the owner of the aircraft to determine correctly its place of residence.

Renumbering of **GM1 SPA.NVIS.130(e)** as GM2 SPA.NVIS.130(e) is a change of an editorial nature.

**AMC10 SPA.EFB.100(b)(3)**, related to EFB applications displaying the own-ship position in flight, has been amended to introduce performance-based criteria related to the accuracy threshold for the removal of the own-ship symbol. The new provisions allow a variable accuracy threshold depending on the phase of the flight in order to avoid the possible instable depiction of the own-ship symbol in cruise due to the previous fixed threshold.

#### **Amendments to the AMC & GM to Part-NCC**

Amendment of **GM1 NCC.OP.220** to update the ICAO references related to ACAS.

Replacement of the term ‘pressure altitude’ with the term ‘barometric altitude’ in **AMC1 NCC.IDE.A.120(a)(3) & NCC.IDE.A.125(a)(3)** in line with changes made to the implementing rules.

Amendment of **AMC1 NCC.IDE.A.180**, related to child restraint devices, to clarify text that may be misleading and to include updated information.

Development of the new **GM2 NCC.IDE.A.180**, related to child restraint devices. The GM recommends that operators facilitate mutual acceptance of child seats and provide information to passengers that helps them to determine whether their child seat is acceptable for use on the operator’s aircraft.

Amendment of **AMC1 NCC.IDE.H.180**, related to child restraint devices, to clarify text that may be misleading and to include updated information.



**Amendments to the AMC & GM to Part-NCO**

Development of the new **AMC1 NCO.GEN.104** as an outcome of RMT.0352 and subsequent comments on NPA 2015-05, to mirror the means to implement — at the level of NCO operators — the new provisions of ORO.GEN.310 for the use of an aircraft included in an AOC by other operators conducting operations in accordance with Part-NCO. This AMC contains the responsibilities of the NCO operator when using an aircraft listed on an AOC under the requirements of NCO.GEN.104.

Development of the new **GM1 NCO.GEN.104** to explain that the term ‘NCO operator’ covers also an operator conducting non-commercial SPO activities with other than complex motor-powered aircraft.

Development of the new **GM1 NCO.GEN.104(c)** to highlight the requirement that the NCO operator and the CAMO or CAO of the AOC holder should have a written contract in accordance with the continuing airworthiness requirements when an NCO operator uses an aircraft listed on an AOC. The relevance of such a written contract is important in the NCO world all the more as an NCO operator is not required to have an operations manual or a documentation system, and the written contract should ensure that safety-relevant information is retained and smoothly transferred between the CAMO/CAO of the AOC holder and the NCO operator.

Replacement of the term ‘pressure altitude’ with the term ‘barometric altitude’ in **AMC1 NCO.IDE.A.120(a)(3) & NCO.IDE.A.125(a)(3)** in line with changes made to the implementing rules.

Amendment of **AMC1 NCO.IDE.A.140**, related to child restraint devices, to clarify text that may be misleading and to include updated information.

Amendment of **AMC1 NCO.IDE.H.140**, related to child restraint devices, to clarify text that may be misleading and to include updated information.

Amendment of **AMC1 NCO.SPEC.100**, on the criteria to determine activities being specialised operations, to include flights that falls under the definition of MCF.

Amendment of **GM1 NCO.SPEC.100** to include MCFs as a new specialised operation.

**Subpart E of Part-NCO** establishes specific requirements to be followed by a pilot in NCO operations. Within Subpart-E, a new Section 6 contains specific requirements for MCFs. This Decision contains also an equivalent Section 6 with GM and AMC for MCFs under NCO operations, providing guidance for the checklist and safety briefing before the MCF, AMC for Level A MCFs and guidance for the training of task specialist on board.

**Amendments to the AMC & GM to Part-SPO**

Amendment of **GM1 SPO.OP.205** to update the ICAO references related to ACAS.

**Subpart E of Part SPO** establishes specific requirements to be followed under SPO rules. A new Section 5 contains these specific requirements in the case of an MCF. This Decision contains also an equivalent Section 5 with GM and AMC for MCFs under SPO operations, as follows:

- (a) A valid source for preparing a Flight Programme for an MCF is provided in GM1 SPO.SPEC.MCF.105.
- (b) The contents of the MCF Manual required by SPO.SPEC.MCF.110 are provided in AMC1 SPO.SPEC.MCF.110.



- (c) AMC1 SPO.SPEC.MCF.120 and AMC2 SPO.SPEC.MCF.120 provide course considerations and syllabus for the training course required in SPO.SPEC.MCF.120 for flight crew conducting ‘Level A’ MCF under Part-SPO.

Development of the new **GM1 SPO.SPEC.MCF.125** to provide guidance on the expected duties of the task specialist on-board an MCF and their training.

#### 2.4. What are the benefits and drawbacks

The benefits and drawbacks of the amendments introduced through this Decision were identified in the respective EASA Opinions — for RMT.0393 on maintenance check flights, in Opinion No 01/2017, and for RMT.0352 and RMT.0516, in Opinion No 04/2017.

As regards RMT.0561 on IFE systems, the impact assessment in NPA 2017-09 was confirmed by the stakeholders during the public consultation.





### 3. References

#### 3.1. Related regulation

- Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p.1.).

#### 3.2. Affected decisions

- Decision 2014/019/R of the Executive Director of the Agency of 24 April 2014 adopting Guidance Material to Regulation (EU) No 965/2012 — ‘GM to Regulation (EU) No 965/2012’
- Decision 2012/015/Directorate R of the Executive Director of the Agency of 24 October 2012 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council — ‘Guidance material to Annex I – Definitions’
- Decision 2014/025/R of the Executive Director of the Agency of 28 July 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-ARO of Regulation (EU) No 965/2012 and repealing Decision 2014/014/R of the Executive Director of the Agency of 24 April 2014 — ‘AMC and GM to Part-ARO — Issue 3’
- Decision 2014/017/R of the Executive Director of the Agency of 24 April 2014 on Acceptable Means of Compliance and Guidance Material to Part-ORO of Regulation (EU) No 965/2012 and repealing Decision 2012/017/R of the Executive Director of the Agency of 24 October 2012 (‘AMC and GM to Part-ORO – Issue 2’)
- Decision 2014/015/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-CAT of Regulation (EU) No 965/2012 and repealing Decision 2012/018/R of the Executive Director of the Agency of 24 October 2012 — ‘AMC and GM to Part-CAT — Issue 2’
- Decision 2012/019/Directorate R of the Executive Director of the Agency of 24 October 2012 on Acceptable Means of Compliance and Guidance Material to Commission Regulation (EU) No 965/2012 of 5 OCTOBER 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council — ‘Acceptable Means of Compliance and Guidance Material to Part-SPA’
- Decision 2013/021/Directorate R of the Executive Director of the Agency of 23 August 2013 on adopting Acceptable Means of Compliance and Guidance Material for Non-commercial operations with complex motor-powered aircraft (Part-NCC)
- Decision 2014/016/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-NCO of Regulation (EU) No 965/2012 and repealing Decision 2013/022/R of the Executive Director of the Agency of 23 August 2013 — ‘AMC and GM to Part-NCO — Issue 2’



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- Decision 2014/018/R of the Executive Director of the Agency of 24 April 2014 adopting Acceptable Means of Compliance and Guidance Material to Part-SPO of Regulation (EU) No 965/2012 — ‘AMC and GM to Part-SPO’

### 3.3. Other reference documents

- Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1)

